

REMARKS

Double Patenting

The examiner provisionally rejected claims 1-20 on the ground of non-statutory obviousness-type double patenting. The examiner stated:

**Claims 1-20 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-23 of Application No. 10/735,595, claims 1-26 of Application No. 10/734,618, claims 1-21 of Application No. 10/734,616, and claims 1-20 of Application No. 10/734,617. Although the conflicting claims are not identical, they are not patentably distinct from each other because each application contains substantially similar subject matter with obvious variations of claimed subject matter.**

Co-pending Applications No. 10/735,595, 10/734,618, 10/734,616, 10/734,617 are commonly owned. Applicant will consider whether a terminal disclaimer is warranted upon an indication of allowable subject matter.

35 U.S.C. § 103

The examiner rejected claims 1-4, 7-10, and 13-17 under 35 U.S.C. 103(a), as being unpatentable over Abbasi (USPN 6,786,863) in view of Choy et al. (USPN 6,695,770; hereinafter Choy), further in view of Piccione (US 7, 124, 186). The examiner stated:

**The combination of Abbasi and Choy discloses all of the claimed subject matter with the exception of explicitly disclosing that the video and audio signals reflect the mannequin's surrounding views and sound in real-time. The examiner agrees with applicant that the audio and video signals described in Choy are retrieved from a database. However, Piccione teaches a method of providing live performances over a network, wherein the performance is a virtual sex service (see Col. 5, line 62 – Col. 6, line 2); wherein the performance is provided from a room with video conferencing or other means of transmission of visual, auditory, audiovisual, tactile, smell, and other sensory information. See Piccione, col. 5, lines 30-50. Therefore, it would have been obvious to one of ordinary skill in the art to modify the audio/video virtual sex environment described in Abbasi and Choy, by providing teleconferencing to provide surrounding views and thereby deliver a live performances in real-time in response to a user's request. See Piccione, Col. 2, lines 35-47.**

Claim 1, as amended, calls for: "a mannequin having ... a microphone coupled to the body, the microphone for sending audio signals to the computer system, the computer system modifying one or more characteristics of the audio signals ... and sends the modified audio signals over the communications network; and ... and a set of goggles ...." Support for this

subject matter can be found, for example, in the originally filed application at page 9, lines 12-16:

Communication gateway 16a also changes the sound user 22b makes as perceived by user 22a. For example, user 22b has a high-pitched squeaky voice. Communication gateway 22b using conventional techniques can alter the audio signal representing the voice of user 22b to be a low deep voice.

Abbas does not disclose or suggest a computer system that modifies one or more characteristics of audio signals from a microphone and which sends the modified audio signals over a communications network. Abbas merely states receiving audio information from a microphone attached to a computer device, and may be further routed to other audio output unit.<sup>1</sup>

Neither Choy nor Piccione remedies the foregoing deficiencies of Abbas at least because neither reference discloses or suggests a computer system that modifies one or more characteristics of audio signals from a microphone and which sends the modified audio signals over a communications network. For example, in Choy, audio signals are previously recorded and stored in a database. In this regard, Choy reads:

... the apparatus being adapted for connection to a computer based drive system to provide a scenario for audio and visual outputs which is selected from a database and advances in a manner corresponding to user movements and engagement with the tactile system.<sup>2</sup>

To provide suitable audio output a recording is made of phrases and words which are stored in 16-bit quality on a database and the reproduction of such phrases and words will be linked to corresponding movement of the characters mouth muscles.<sup>3</sup>

Piccione, on the other hand, describes a method of providing live performance via video conferencing. As the purpose of Piccione's teaching is to provide high quality, synchronized audio and video transmission of live performance<sup>4</sup>, the reference is silent in regard

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<sup>1</sup> Abbas, col. 2, lines 63-67.

<sup>2</sup> Choy, col. 1, lines 46-51.

<sup>3</sup> *Id.* col. 8, lines 59-63.

<sup>4</sup> Piccione, col. 2, lines 35-47.

to ... a computer system that modifies one or more characteristics of audio signals from a microphone and which sends the modified audio signals over a communications network.

Therefore, amended claim 1 is allowable over purported combination of Abbasi, Choy and Piccionelli.

Claims 9 and 15, as amended, each recites similar features of claim 1 and is allowable for analogous reasons discussed in claim 1.

Claims 2-4, 7, 8, 10, 13, 14, 16 and 17 are allowable at least for the reasons discussed in their respective base independent claims.

The examiner rejected claims 5-6, 11-12 and 18-20 under 35 U.S.C. 103(a), as being unpatentable over Abbasi (USPN 6,786,863) in view of Choy et al. (USPN 6,695,770; hereinafter Choy), Piccionelli, and further in view of Gutierrez (USPN 5,111,290).

Claim 5 further limits claim 1 and requires that the mannequin body includes an eye socket and the camera is positioned in the eye socket and claim 6 requires that the mannequin body includes an ear canal and the microphone is positioned within the ear canal. The examiner argues that:

The combination of Abbasi, Choy, and Piccionelli discloses all of the claimed subject matter with the exception of explicitly disclosing the feature of (as per claims 5, 11, 18, 20) positioning the camera in the eye socket of the body; (as per claims 6, 12, 19, and 20) positioning the microphone in an ear canal of the simulated body. However, Gutierrez teaches a virtual mannequin comprising a video camera concealed in the eye socket of the mannequin (Col. 1, lines 57-65). In view of Gutierrez, it would have been obvious to one of ordinary skill in the art to modify the placement of the mannequin camera and microphone described in the combination of Abbasi and Choy, by concealing them within the mannequin and thereby avoiding the unattractive appearance of the camera and microphone.

Claims 5-6, 11-12 and 18-20 depend directly or indirectly from their respective base claims 1, 9 and 15. Gutierrez is not understood to remedy the foregoing deficiencies of Abbasi, Choy and Piccionelli, because Gutierrez at least fails to describe or suggest a computer system that modifies one or more characteristics of audio signals from a microphone and which sends the modified audio signals over a communications network, as required by independent claim 1.

Therefore, Applicant's claims 5-6, 11-12 and 18-20 are allowable over the references.

All of the dependent claims are patentable for at least the reasons for which the claims on which they depend are patentable.

Any circumstance in which the Applicant has (a) addressed certain comments of the examiner does not mean that the applicant concedes other comments of the examiner, (b) made arguments for the patentability of some claims does not mean that there are not other good reasons for patentability of those claims and other claims, or (c) amended or canceled a claim does not mean that the applicant concedes any of the examiner's positions with respect to that claim or other claims.

In view of the foregoing amendments and remarks, Applicant respectfully requests entry of the amendment since it addresses specific objections first raised by the examiner in the instant office action, does not require any further consideration or search. Accordingly, Applicant submits that the application is in condition for allowance and such action is respectfully requested at the examiner's earliest convenience.

Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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